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BY ECF

Honorable Paul S. Diamond
United States District Judge
James A. Byrne U.S. Courthouse
601 Market Street
Philadelphia, PA 19106

**Re: *Merit Medical Systems, Inc. v. William P. Barr, et al.*, Civil Action No. 2:20-cv-6468
(PSD)(TR) (D.N.J.)**

Dear Judge Diamond:

This Firm is co-counsel for Plaintiff Merit Medical Systems, Inc. (Merit) in the above-captioned matter. I write jointly on behalf of both Merit and the Department of Justice defendants to respectfully inform the Court that the parties have reached a settlement in principle, subject to final approvals in this case.¹

Local Civil Rule 41.1(b) requires parties to promptly notify the Court once a case has been settled. The Rule further provides that “[u]pon such notification, the Court shall enter a 60-day order administratively terminating the case and any pending motions.” In accordance with the Rule, the parties respectfully request such a 60-day order and will file a joint stipulation of dismissal within sixty days of that Order.

Finally, Merit here confirms that, because the Court has ordered that the Government respond to Merit’s Motion for a Preliminary Injunction by July 15, *see* ECF No. 12, Merit will withdraw its motion if the case is not administratively terminated pursuant to L. Civ. R. 41.1(b) by Monday, July 13 at 12:00 p.m. For the Court’s convenience, attached to this letter is a proposed order.

Thank you very much for your consideration of this matter.

Respectfully submitted,

s/ Lawrence S. Lustberg
Lawrence S. Lustberg

cc: Jane Dattilo, Assistant U.S. Attorney
(counsel for the DOJ defendants) (via ECF)

¹ The United States District Court for the District of New Jersey has not entered an appearance in this case and was not party to settlement discussions. Nevertheless, the requested order under L. Civ. R 41.1(b) will apply to the entire matter, including claims asserted against the Court. Of course, under Federal Rule of Civil Procedure 41(a)(1), a Plaintiff may voluntarily dismiss an action before an opposing party enters an appearance or answers the Complaint, as Plaintiff will do when the settlement of this matter is finalized.